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Counsel for TransCanada Keystone Pipeline, LP and TC Energy Corporation

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

INDIGENOUS
ENVIRONMENTAL NETWORK
and NORTH COAST RIVERS
ALLIANCE,

Plaintiffs,

vs.

PRESIDENT DONALD J. TRUMP,
UNITED STATES DEPARTMENT
OF STATE; MICHAEL R. POMPEO,
in his official capacity as U.S.
Secretary of State; UNITED STATES
ARMY CORPS OF ENGINEERS; LT.
GENERAL TODD T. SEMONITE,
Commanding General and Chief of
Engineers; UNITED STATES FISH
AND WILDLIFE SERVICE, a federal
agency; GREG SHEEHAN, in his
official capacity as Acting Director of
the U.S. Fish and Wildlife Service;
UNITED STATES BUREAU OF

CV 19-28-GF-BMM

**TC ENERGY CORPORATION
AND TRANSCANADA
KEYSTONE PIPELINE, LP'S
STATEMENT OF
UNDISPUTED FACTS**

LAND MANAGEMENT, and DAVID
BERNHARDT, in his official capacity
as Acting U.S. Secretary of the Interior,

Defendants,

TRANSCANADA KEYSTONE
PIPELINE, LP, a Delaware limited
partnership, and TC ENERGY
CORPORATION, a Canadian Public
company,

Defendant-Intervenors.

1. Plaintiff Indigenous Environmental Network is incorporated under the non-profit organizational name of Indigenous Educational Network of Turtle Island. Amended Complaint ¶ 28 (Doc. 37).
2. Plaintiff North Coast Rivers Alliance is an unincorporated association. Amended Complaint ¶ 29.
3. Defendant-Intervenor TC Energy Corporation (formerly TransCanada Corporation) is a Canadian public company organized under the laws of Canada. Corporate Disclosure Statement (Doc. 26).
4. Defendant-Intervenor TransCanada Keystone Pipeline, LP (“Keystone”) is a limited partnership, organized under the laws of the State of Delaware and owned by affiliates of TC Energy Corporation. *Id.*
5. Keystone has plans to construct and operate an international oil pipeline called the Keystone XL Project (“Keystone XL”). TransCanada Keystone Pipeline, L.P. Application for Presidential Permit for the Keystone XL Pipeline Project (Jan. 26, 2017) at 1 (“Presidential Permit Application”) (attached as Exhibit 1).
6. Keystone XL will extend from an oil supply hub near Hardisty, Alberta, Canada to the northernmost point of the existing Keystone Pipeline Cushing Extension at Steele City, Nebraska. Presidential Permit Application at 8.

7. Keystone XL will cross the international border between Saskatchewan, Canada, and the United States near Morgan, in Phillips County, Montana. Presidential Permit Application at 6.
8. Following the procedure specified in Executive Order 13,337, Keystone submitted an application to the Secretary of State on September 19, 2008 requesting authorization to construct, operate and maintain the Keystone XL pipeline and ancillary facilities at the United States-Canada border in Phillips County, Montana. Presidential Permit Application at 2.
9. On January 18, 2012, the President denied Keystone's application. Presidential Permit Application at 2.
10. On May 4, 2012, Keystone submitted a new application to the Secretary of State for authorization to construct, operate and maintain the Keystone XL pipeline and ancillary facilities at the United States-Canada border in Phillips County, Montana. Presidential Permit Application at 3.
11. On November 3, 2015, the Secretary of State denied the application. Presidential Permit Application at 4.
12. On January 26, 2017, Keystone submitted an application to the Department of State, pursuant to Executive Order 11,423, as amended, and Executive Order 13,337, for a presidential permit "authorizing the construction, connection, operation, and maintenance of pipeline facilities for the

importation of crude oil, to be located at the international border between the United States and Canada, at Phillips County, Montana (the ‘border crossing facilities’).” Presidential Permit Application at 1.

13. On March 23, 2017, the Under Secretary of State for Political Affairs, exercising authority delegated by Executive Order 13,137, the January 24, 2017 Presidential Memorandum Regarding Construction of the Keystone XL Pipeline, and Department of State Delegation of Authority No. 118-2 of January 26, 2016, issued a permit “to construct, connect, operate and maintain facilities at the border of the United States of the United States and Canada at Morgan, Montana, for the import of crude oil from Canada to the United States.” 82 Fed. Reg. 16,467, 16,467 (Apr. 4, 2017).
14. On March 29, 2019, the President issued a new presidential permit for Keystone XL that superseded the Presidential permit that was issued by the Under Secretary of State on March 23, 2017. 84 Fed. Reg. 13,101 (Apr. 3, 2019).

January 24, 2020

Respectfully Submitted,

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was served today via the Court's CM/ECF system on all counsel of record.

/s/ Jeffery J. Oven